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09/940,949	08/28/2001	Luc Tripod	PU010180	5192

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EXAMINER

HARVEY, JAMES R

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/940,949

Applicant(s)

TRIPOD, LUC

Examiner

James R. Harvey

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

- Claim(s) 5-8 and 12 are objected to because of the following informalities:
  - In reference to claim 5, line 9; applicant seeks patent protection for the claim limitation “flush”. Flush is used as an adverb and is seen to require at least two structural elements to be in the same plane (see attached definition from The American Heritage Dictionary). However, applicant’s specification and drawings only support “adjacent” rather than “flush”. For purposes of examination, it is assumed that the language is intended to mean “adjacent”. An examination based on the merits, as best understood, is addressed below.
  - Appropriate response to the above is required.

### ***Drawings***

- The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.
  - In reference to Claim 5, line 9, the claim limitation “flush” is not shown.
  - The above feature(s) must be shown or the feature canceled from the claim. No new matter should be entered.

### ***Claim Rejections - 35 USC § 102***

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- Claim(s) 1, 4-7, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Puhak (4165143).

-- In reference to claim 1, Puhak shows (cover sheet) an arrangement for coupling a cathode ray tube 15 (CRT) (figure 1) to a socket 27 which is mounted on a circuit board 35 the CRT having a funnel and a neck (11, 15) having an end 17, a circumferential surface and terminals 25 extending from the electron gun, said terminals positioned along the circumferential surface of the neck (11,15), the circuit board 35 being positioned with a first side facing the funnel portion and a second side facing away from the funnel portion, the socket having electrical contacts 33 which engage the terminals on the second side of the circuit board, the electrical contacts being positioned on the second side of the circuit board (figure 2 ).

Further, although the art does not specifically disclose the funnel, the funnel is seen to be an inherent element of the CRT.

-- In reference to claim 4, Puhak shows the socket has a surface on the back portion of the socket 31 which abuts a distal end 23 (figure 1) of the neck .

-- In reference to claim 5, Puhak shows (cover sheet) a funnel and an integral neck (11, 15) extending rearward from the funnel;

an electron gun positioned within the funnel;

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terminals 25 extending from the electron gun through the neck along an outer surface of the neck (along the circumferential surface of the front portion of the neck); and,

a circuit board 35 having a socket 27 that can be used for electrically connecting components mounted thereon,

the socket 27 being electrically connected to the components and being directly mat-able with the terminal 25 extending along the outer surface of the neck, the socket has an inner radial distal end (near lead line 31 (figure 1)) that is adjacent to a radial distal end (near 23) of the neck when the socket is mated.

Although the prior art does not specifically disclose the claimed electron gun positioned within the funnel, this feature is seen to be an inherent teaching of that device since a means for providing a CRT is disclosed and it is apparent that an electron gun positioned within the funnel must be present for the CRT to function as intended.

Further, although the art does not specifically disclose the funnel, the funnel is seen to be an inherent element of the CRT.

Although the reference does not show the components being electrically connected to the circuit board 35, this is seen to be an inherent element of the circuit board that is used with CRT configurations.

-- In reference to claim 6, Puhak shows the terminals extend along an outer circumferential surface of the neck.

-- In reference to claim 7, Puhak shows the socket has a surface on the back portion of the socket 31 which abuts a distal end 23 of the neck.

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-- In reference to claim 11, Puhak shows the socket has a surface on a back portion of the socket 31 that positions the electrical contacts with respect to the terminals.

-- In reference to claim 12, Puhak shows the neck passes through the circuit board and into the socket in the same manner disclosed in applicant's drawings and specification. As to the assumed limitation of "the circuit board between the socket and the funnel", the inherent positioning of the funnel of Puhak meets the assumed claim limitation. Further, as discussed above, if applicant is referring to the location of the circuit board during the method of assembling the neck and socket; The method of forming, the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

### ***Claim Rejections - 35 USC § 103***

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- Claim(s) 2, 3, and 8 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Puhak in view of Johnson et al. (3944892)

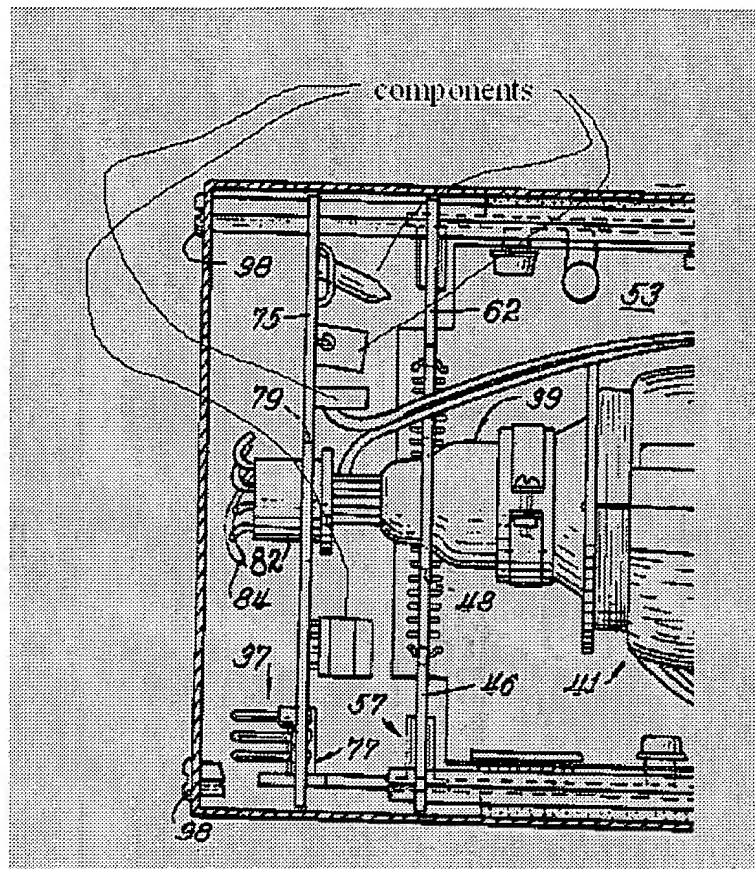
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-- In reference to claims 2 and 8, Puhak shows substantially the invention as claimed. However, Puhak does not show the circuit board has a plurality of components mounted thereon, none of the components extending away from the funnel further than the back cover of the socket.

Johnson shows (cover sheet) the circuit board 75 has a four (a plurality) components (see examiner's figure) mounted thereon, none of the four components extending away from the funnel further than the back cover of the socket.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the component configuration shown by Johnson on the circuit board of Puhak because, as shown by Johnson (cover sheet), if the components were mounted on the other side of the circuit board, it would not make it possible to use wire 86 to electrically connect at least one of the plurality of components to the funnel.

-- In reference to claim 3, Puhak as modified by Johnson shows (figure 8 ) the circuit board has a plurality of components (see examiner's figure) mounted on the first side.



### ***Response to Arguments***

-- In response to applicant's argument (page 8, lines 8-10 ) concerning Puhak discussion on (column 2, line 44 ) only discloses that element 13 as a **sealed neck portion** and that elements 11 and 15 do not anticipate applicant's claimed neck is not persuasive. Applicant's claim language "a neck containing an electron gun" is anticipated by elements 11 and 15 of Puhak. If element 11 was not present, the electron gun would not be contained. Likewise, if element 15 was not present, the electron gun would not be contained. Puhak discloses that element 13 is only a **portion** of the neck and although Puhak uses different terms ("not intended to be limiting" (column 2, lines 48 and 49), elements 11 and 15 define the rest of the neck of Puhak and anticipate applicant's claim language "a neck containing an electron gun".



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-- In response to applicant's argument (page 9, line 16 ) concerning the new claim limitation “an end distal from the circuit board that is flush with a distal end of the neck” is not found persuasive. As discussed above, the drawings do not support the word “flush” and Puhak shows the adjacent structure as discussed above.

-- In response to applicant's argument (page 11, lines 1 and 11) concerning that pins 37 of Johnson do not anticipate the claim limitations of claims 2 and 8 (“the circuit board has a plurality of components ... none of said components extending away from said funnel further than the surface on the back portion of said socket”) is not persuasive. Applicant argument is seen to imply that the claim language requires “no [none of said] components extending away”, however, the claim language only requires a select plurality of components that are shown by Johnson (see examiner's figure). If applicant wishes patent protection for “no components extending away”, applicant must amend the claim in a manner consistent with that limitation.

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### ***Allowable Subject Matter***

- Claim(s) 9 and 10 has(have) the same allowable subject matter.
- Claim(s) 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- The following is a statement of reasons for the indication of allowable subject matter: The prior art does not show terminals folded along the circumferential surface of the neck in combination with all the other elements of the claim and the examiner knows of no permissible motivation to combine the prior art such that the subject matter as a whole would have been obvious at the time the invention was made.

If the application becomes allowable, any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowable Subject Matter".

### ***Conclusion***

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Effective May 1, 2003, the United States Patent and Trademark Office has a new Commissioner for Patents address. Correspondence in patent related matters must now be addressed to:

**Commissioner for Patents**

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**P. O. Box 1450**

**Alexandria, VA 22313-1450**

For additional information regarding the new address, see Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003).

- **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 703-305-0958. The examiner can normally be reached on 8:00 A.M. To 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 703-308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 (OFFICAL/BEFORE FINAL) and 703-872-9319 (OFFICAL/AFTER FINAL).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

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James R. Harvey, Examiner

jrh

December 8, 2003

A handwritten signature in black ink, appearing to read 'Tho D. Ta', with a long horizontal line extending to the left.

**THO D. TA**  
**PRIMARY EXAMINER**

# flush<sup>1</sup>

## flush (flŭsh) verb

### flushed, flush-ing, flush-es verb, intransitive

1. To turn red, as from fever, embarrassment, or strong emotion; blush.
2. To glow, especially with a reddish color: *The sky flushed pink at dawn.*
3. To flow suddenly and abundantly, as from containment; flood.
4. To be emptied or cleaned by a rapid flow of water, as a toilet.

### verb, transitive

1. To cause to redden or glow.
2. To excite or elate: *The negotiators were flushed with the success of their final meeting.*
3. a. To clean, rinse, or empty with a rapid flow of a liquid, especially water: *flush a toilet; flush a wound with iodine.* b. To remove or eliminate by or as if by flushing: *"The weakness in demand and productivity will at least . . . flush out some of the inflation premium that has been built into interest rates" (Fortune).*

### noun

1. a. A flooding flow or rush, as of water. b. The act of cleaning or rinsing by or as if by flushing.
2. A blush or glow: *"here and there a flush of red on the lip of a little cloud" (Willa Cather).*
3. a. A reddening of the skin, as with fever, emotion, or exertion. b. A brief sensation of heat over all or part of the body.
4. A rush of strong feeling: *He felt a flush of pride as he watched his children.*
5. A state of freshness or vigor. See synonyms at bloom<sup>1</sup>.

### adjective

#### flush-er, flush-est

1. Having a healthy reddish color; flushed.
2. Having an abundant supply of money; affluent. See synonyms at rich.
3. Marked by abundance; plentiful: *flush times resulting from the oil boom.*
4. Swelling; overflowing: *rivers flush with the spring rains.*
5. a. Having surfaces in the same plane; even. b. Arranged with adjacent sides, surfaces, or edges close together: *a sofa flush against the wall.* See synonyms at level. c. *Printing.* Aligned evenly with a margin, as along the left or right edge of a typeset page; not indented.
6. Direct, straightforward, or solid: *knocked out by a flush blow to the jaw.*
7. Designed to be emptied or cleaned by flushing: *a flush toilet.*

### adverb

1. So as to be even, in one plane, or aligned with a margin.
2. Squarely or solidly: *The ball hit him flush on the face.*

[Probably from flush<sup>3</sup>, to dart out.]

— flush'er noun

— flush'ness noun

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